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Attorneys for Plaintiff and Counterdefendant  
ZINUS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ZINUS, INC. a California Corporation,

Plaintiff,

v.

SIMMONS BEDDING COMPANY, a  
Delaware corporation, and DREAMWELL,  
LTD., a limited liability company of  
Nevada,

Defendants.

Case No. 07-CV-03012-PVT

**STIPULATION AND PROPOSED ORDER  
ENLARGING BRIEFING SCHEDULE FOR  
PLAINTIFF ZINUS' MOTION FOR  
SUMMARY JUDGMENT OF NON-  
INFRINGEMENT DUE TO NO DIRECT  
INFRINGEMENT**

Date: February 19, 2008  
Time: 10:00 a.m.  
Location: Courtroom 5  
Before: The Honorable Patricia V. Trumbull

AND RELATED COUNTERCLAIMS

1 WHEREAS on January 14, 2008, plaintiff and counterclaim defendant Zinus, Inc.  
2 (“Zinus”) filed a Motion for Summary Judgment of Non-Infringement Due to No Direct  
3 Infringement (the “Second Motion for Summary Judgment”), and set the motion for hearing on  
4 February 19, 2008; and

5 WHEREAS defendant and counterclaimant Dreamwell, Ltd.’s (“Dreamwell’s”)   
6 Opposition to Zinus’ Second Motion for Summary Judgment is presently due on January 29,  
7 2008; and

8 WHEREAS on January 17, 2008 the Court issued an Interim Order re Plaintiff Zinus,  
9 Inc.’s Motion for Reconsideration in which it directed Dreamwell to file a “hypothetical claim”  
10 brief in connection with that motion, which is also due on January 29, 2008; and

11 WHEREAS counsel for Dreamwell has been sick and out of the office from January 14,  
12 2008, through today, with the exception of a couple of hours in the office on January 24; and

13 WHEREAS counsel for Dreamwell would not have time or opportunity to adequately  
14 respond to Zinus’ Second Motion for Summary Judgment on the current briefing schedule; and

15 WHEREAS Zinus is anxious to have its Second Motion for Summary Judgment resolved  
16 at the earliest opportunity and does not wish to extend the hearing date for the motion;

17 THEREFORE, pursuant to Local Rule 6, it is hereby stipulated between Zinus and  
18 Defendants, by and through their respective counsel and subject to the Court’s approval, that the  
19 briefing schedule on Zinus’ Second Motion for Summary Judgment may be modified as follows:  
20 Dreamwell’s Opposition to the motion shall be filed on or before Tuesday, February 5, 2008, and  
21 Zinus’ Reply in support of the motion shall be filed on or before Tuesday, February 12, 2008.  
22 The hearing on the Second Motion for Summary Judgment shall remain scheduled for Tuesday,  
23 February 19, 2008.

